

REMARKS

First, Applicant thanks the Examiner for discussing this case with Applicant's representatives. A Statement of Summary of Interview is enclosed herewith.

As a preliminary matter, claim 7 is objected to based on the reasons set forth on page 2 of the Office Action. Applicant believes that the amendments to claim 7, as indicated herein, obviate the Examiner's objection to claim 7.

Claims 1-4, 6, and 7-11 are all the claims pending in the present application, new claims 8-11 having been added. Applicant thanks the Examiner for indicating that claim 1 is allowed. Claim 7 is rejected under 35 U.S.C. § 112. The Examiner maintains the previous rejections of claims 2-4, 6, and 7 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter.

§ 112 Rejection - Claim 7

Applicant believes that claim 7 satisfies 35 U.S.C. § 112.

§101 Rejections - Claims 2-4, 6, and 7

The Examiner rejects claims 2-4, 6, and 7 under 35 U.S.C. § 101 based on the reasons set forth on pages 2-3 of the Office Action and the Examiner also maintained these arguments during the discussion with the undersigned. That is, the Examiner maintained that because claims 2-4, 6, and 7 recite a storage device comprising a data structure, these claims are, per se, nonstatutory. In response, Applicant submits that even if, arguendo, "data structure" is considered nonstatutory subject matter, in MPEP § 2106.01, it is stated that when nonstatutory subject matter is recorded on some computer readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory. Here, the physical storage device comprises a data structure, therefore, the structural device which is the physical storage device is statutory subject matter and the data structure is structurally and functionally interrelated to this physical storage device.

At least based on the foregoing, Applicant submits that claims 2-4, 6, and 7 satisfy 35 U.S.C. § 101.

Finally, Applicants add new claims 8-11 to provide a varying scope of coverage. Applicant submits that these new claims are patentable at least by virtue of their indirect or direct dependencies from allowed independent claim 1.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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CUSTOMER NUMBER

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